

**REMARKS**

Claims 2, 4-9, 11-17, 19, 24-27, 29-31, 33, 37 and 39-44 are pending in this application. By this Amendment, claims 4, 19, 33 and 44 are amended. Reconsideration of the application is respectfully requested.

The courtesies extended to Applicants' representative by Supervisory Patent Examiner Hoff and Patent Examiner Barbee at the interview held December 3, 2003, are appreciated. The substance of the interview is incorporated into the remarks below and constitute a record of the interview.

**I. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 2, 4, 5, 19, 25, 27, 33, 37 and 44 under 35 U.S.C. §103(a) over Hill (U.S. Patent No. 5,057,866) in view of Draeger (U.S. Patent No. 5,371,692); rejects claims 6-9, 29-31, 40 and 41 under 35 U.S.C. §103(a) over Hill in view of Abbata (U.S. Patent No. 6,268,733); rejects claims 11, 12, 16, 17, 42 and 43 under 35 U.S.C. §103(a) over Abbata in view of Hill; rejects claims 13 and 15 under 35 U.S.C. §103(a) over Abbata in view of Hill and further in view of Kennedy (U.S. Patent No. 4,241,406); rejects claim 14 under 35 U.S.C. §103(a) over Abbata in view of Hill and further in view of Rosenbaum (U.S. Patent No. 6,584,430); and rejects claims 24, 26 and 39 under 35 U.S.C. §103(a) over Hill in view of Draeger and further in view of Katzeff (U.S. Patent No. 5,101,491). The rejections are respectfully traversed.

In particular, neither Hill, Draeger nor Katzeff, individually or in combination, disclose or suggest, among others, a communication sent by the remote diagnostic system includes at least one of repair information to a third party, a parts request to a third party, a service request notification to a third party and a revised set of operating instructions to the at least one electronic system based on the analysis of the data by the remote diagnostic system, as recited in independent claim 4, and similarly recited in independent claims 19, 33 and 44.

The Office Action on page 2 admits that Hill does not disclose this feature. However, the Office Action asserts that Draeger discloses this feature. Applicants respectfully disagree.

Draeger in the Abstract discloses a microprocessor and a non-volatile memory which can be connected to an electronic device. The microprocessor executes a program which consists of two modules: a first module establishes communication with the electronic device and a second module that transmits activating code, program code or a test code to the electronic device. Using the two modules, the microprocessor can either download new programs or activate programs which already exist in the electronic device.

However, Draeger fails to disclose or suggest a communication sent by the remote diagnostic system a revised set of operating instructions to the at least one electronic system based on the analysis of data by the remote diagnostic system.

Katzeff does not make up for the above-noted deficiencies of Hill and Draeger. Katzeff discloses in the Abstract, a synthesizer for generating software for a computer that represents a new function to be incorporated into an existing system. The synthesizer includes a device for receiving a formal description representative of the new function in a specification language and for translating the specification into a base document.

Furthermore, neither Hill, Abbata, Kennedy nor Rosenbaum, individually or in combination, disclose or suggest, among others, a data acquisition and processing circuit detects a signature waveform of a part of the at least one electronic system, as recited in independent claim 6; at least one sensor that detects a signature waveform of a part of the at least one electronic system, as recited in independent claim 11; and receiving a signature waveform pertaining to the at least one electronic system when the signature waveform has been selectively transmitted based upon an initial diagnosis, as recited in independent claim 42.

The Office relies on Abbata as disclosing this feature. However, Abbata is unavailable as prior art to reject the claims. Specifically, Abbata is a 35 U.S.C. §102(e) reference used in

an obviousness-type rejection. However, Abbata and this application are assigned to Xerox Corporation, and this application was filed on October 3, 2000. Therefore, under 35 U.S.C. §103(c), Abbata is not available as prior art.

The Office Action on page 3 admits that Hill does not disclose or suggest either detecting a signature waveform, digitizing a signature waveform or analyzing a signature waveform.

Kennedy does not make up for the above-noted deficiencies of Hill. Kennedy discloses at col. 1, lines 40-55 a system for analyzing operation of a device and determining faults therein, and initiating recovery procedures, where possible, if a fault is determined in the device.

Rosenbaum does not make up for the above-noted deficiencies of Hill and Kennedy. Rosenbaum discloses in the Abstract, a system that includes software for operating an analysis device and a system management software for monitoring the device, generating a report on the state of the device and selecting an appropriate response based on the report.

Accordingly, independent claims 4, 6, 11, 19, 33, 42 and 44 define patentable subject matter. Claims 2, 5-9, 12-17, 24-27, 29-31, 37, 39-41 and 43 depend from the respective independent claims, and therefore also define patentable subject matter.

## **II. Conclusion**

In view of the foregoing amendments and remarks, this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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